

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO (ALBUQUERQUE)

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROY HEILBRON,

Defendant.

Crim. No. CR 15-2030 WJ

CURRENT SENTENCING DATE: [8-28-17]
[PROPOSED] SENTENCING DATE: [to be set]

**MOTION FOR A CONTINUANCE OF THE AUGUST 28, 2017
SENTENCING DATE/PERMISSION TO TRAVEL**

The defendant Roy Heilbron, respectfully moves this court for a continuance of the current sentencing date of August 28, 2017, 2017 based on the following:

1. Defendant entered a plea of guilty to Count 4 of the Indictment.
2. The Court set a sentencing date of June 28, 2017. That date was thereafter continued per Court sentencing Order to July 11, 2017 and continued again per defendant's request to August 28, 2017, 2017.
3. Defendant is released on bond pending sentencing.
4. The defendant requests the continuance based upon the following facts: the defendant has been diagnosed with prostate cancer and is scheduled to receive chemotherapy treatments this month. Attached are the medical reports of Oscar Paniagua, M.D., dated June 24, 2017 and August 3, 2017, collectively referenced as Exhibit "A."
5. I have discussed this request with AUSA Jeremy Pena, who has indicated that the government is opposed to a continuance of the sentencing date.

6. Defendant has informed defense counsel that he is seeking the medical care of Dr. Pariagua because the latter is a holistic urologist and the defendant has confidence in the effectiveness of Dr. Pariagua's treatment protocol. Additionally, I am informed by the defendant that he does not have medical insurance and cannot afford treatment in the United States.

7. The defendant has advised defense counsel that the treatment will take place in Costa Rica as is further set forth in detail in Exhibit "A."

8. Dr. Pariagua's treatment protocol indicates that the first cycle of chemotherapy will be completed in November 2017.

9. Based on the foregoing, defense counsel is requesting a continuance of the sentencing hearing to November 2017, and is further seeking permission of the court for the defendant to travel to Costa Rica for his medical treatment.

Dated: August 7, 2017

Respectfully submitted,

MARKS & BROOKLIER, LLP

/s/ Donald B. Marks

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